

REMARKS

This responds to the Office Action mailed on November 14, 2007.

No amendments, cancellations, or additions are made to the claims. As a result, claims 1-11, 15, 17, and 21-27 are now pending in this application.

For the convenience of the Examiner, Applicants' remarks concerning the claims will be presented in the same order in which the Examiner presented them in the Office Action.

Rejection of Claims 1-5, 9-11, and 25-27 **Under 35 U.S.C. §102(b) as Anticipated by Petersen**

Claims 1-5, 9-11, and 25-27 were rejected under 35 U.S.C. §102(b) as being anticipated by Petersen et al. (U.S. 5,802,051).

The rule under 35 U.S.C. §102 is well settled that “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP §2131.

Petersen does not appear to disclose all of the structural elements recited in independent claims 1 and 25.

Regarding independent claims 1 and 25, Petersen does not appear to disclose *inter alia* “generating a set of associated router packets from a function packet received from a function packet source, wherein generating the set of associated router packets comprises determining the router packet length from pre-stored router packet length information that can be different from function to function, and wherein each router packet has a router packet data length that is less than or equal to a function packet length” [emphasis added].

As best understood, Petersen describes variable length mini-cells (Figure 6) of a fixed length user data packet (“user data packet 810 is 178 octets in length”, see col. 7, line 51, and Figure 8). Although the mini-cells described in Petersen may be variable in length, the packet length appears to remain constant. Petersen does not appear to disclose router packet length information that can be different from function to function. Nor does Petersen appear to disclose router packet data length that is less than or equal to a function packet length.

For the above reasons, independent claims 1 and 25 should be found to be allowable over Petersen, and Applicants respectfully request that the rejection of claims 1 and 25 under 35 U.S.C. §102(b) as anticipated by Petersen be withdrawn.

Claims 2-5 and 9-11, which depend from claim 1 and incorporate all of the limitations therein, are also asserted to be allowable for the reasons presented above.

Claims 26 and 27, which depend from claim 25 and incorporate all of the limitations therein, are also asserted to be allowable for the reasons presented above.

Rejection of Claims 6-8, 15, 17 and 21-24 under 35 U.S.C. §103(a)
As Unpatentable over Petersen in view of Blasbalg

Claims 6-8, 15, 17 and 21-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Petersen et al. in view of Blasbalg (U.S. 4,771,391).

To establish a *prima facie* case of obviousness under 35 U.S.C. §103, the prior art reference (or references when combined) must teach or suggest every limitation of the claim. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA, 1974). MPEP §2143.

Neither Petersen nor Blasbalg disclose all of the limitations recited in independent claims 1, 15, and 21.

Regarding independent claim 1, as asserted in Applicants' response to the §102 rejection above, Petersen fails to disclose all of the structural elements recited in independent claim 1. For example, Petersen does not appear to disclose router packet length information that can be different from function to function. Nor does Petersen appear to disclose router packet data length that is less than or equal to a function packet length. The addition of Blasbalg does not render claim 1 obvious, because it does not appear to disclose router packet length information that can be different from function to function, nor does it Blasbalg appear to disclose router packet data length that is less than or equal to a function packet length.

Regarding independent claims 15 and 21, for example, neither Petersen nor Blasbalg discloses "each router packet has a router packet data length that is less than or equal to a function packet length" [emphasis added].

In Petersen, as discussed in Applicants' response to the §102 rejection above, the packet length appears to remain constant. Petersen does not describe router packets and function packets having different lengths.

In Blasbalg, the passage referred to by the Examiner (col. 7, line 59 through col. 8, line 18) describes "a table of corresponding values relating the packet length to the information flow rate" (col. 8, lines 15-16). However, Blasbalg teaches away from a router packet data length that is less than or equal to a function packet data length. In Blasbalg, "the operation of the invention results in increasing the packet length" [emphasis added] (col. 4, lines 56-57).

Neither Petersen nor Blasbalg discloses a router packet data length that is less than or equal to a function packet data length.

For the above reasons, independent claims 1, 15, and 21 should be found to be allowable over any combination of Petersen and Blasbalg, and Applicants respectfully request that the rejection of claims 1, 15, and 21 under 35 U.S.C. §103(a) as unpatentable over Petersen in view of Blasbalg be withdrawn.

If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious. MPEP §2143.03.

Claims 6-8, 17, and 22-24, which depend directly or indirectly from independent claims 1, 15, and 21, and incorporate all of the limitations therein, are also asserted to be allowable for the reasons presented above.

Additional Elements and Limitations

Applicants consider additional elements and limitations of the claims to further distinguish over the cited references, and Applicants reserve the right to present arguments to this effect at a later date.

Conclusion

Applicants respectfully submit that claims 1-11, 15, 17, and 21-27 are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney, Ann M. McCrackin (located in Minneapolis, Minnesota) at (612) 349-9592 or Applicants' below-signed attorney (located in Phoenix, Arizona) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

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